



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Jurre Van Bergen
MuckRock News
DEPT MR 59672
411A Highland Avenue
Somerville, MA 02144
59672-69914963@requests.muckrock.com

Re: Appeal No. DOJ-AP-2019-002218
Request No. 1414589-000
SRO:PJA

VIA: Email

Dear Jurre Van Bergen:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to guidelines, presentations, policy statements, legal opinions, memoranda, briefs, training manuals, and email relating to "Tails", "Tails amnesic", "Tails incognito", "Tails amnesic incognito live system", and "tails.boum.org." I note that your appeal concerns the adequacy of the FBI's search for responsive records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, I am affirming the FBI's action on your request. The FBI informed you that it could locate no responsive main file records subject to the FOIA in its files. I have determined that the FBI's action was correct and that it conducted an adequate, reasonable search for such records. The FBI searched multiple databases and file systems using the terms provided in your FOIA request. No responsive records were located.

To the extent that your request seeks access to records that would either confirm or deny the FBI's use of a particular program or technology, the FBI properly refused to confirm or deny the existence of any such records because their existence is protected from disclosure pursuant to 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the actions of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

3/29/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL